



MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES – MARCH 13, 2012

MENDOCINO
COUNTY
BOARD OF
SUPERVISORS

CARRE BROWN
FIRST DISTRICT

JOHN McCOWEN
SECOND DISTRICT
CHAIR

JOHN PINCHES
THIRD DISTRICT

KENDALL SMITH
FOURTH DISTRICT

DAN HAMBURG
FIFTH DISTRICT
VICE-CHAIR

CARMEL J. ANGELO
CHIEF EXECUTIVE
OFFICER/
CLERK OF THE
BOARD

JEANINE B. NADEL
COUNTY COUNSEL

BOARD RESOURCE
INFORMATION:

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BOARD
ACTION MINUTES
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BEFORE THE BOARD OF SUPERVISORS COUNTY OF MENDOCINO • STATE OF CALIFORNIA FAIR STATEMENT OF PROCEEDINGS (PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

☒ REGULAR MEETING ☐ SPECIAL SESSION ☐ PLANNING MATTERS

AGENDA ITEM NO. 1 – OPEN SESSION (ROLL CALL AND PLEDGE OF ALLEGIANCE – 9:01 A.M.)

Present: Supervisors Carre Brown, John McCowen, John Pinches, Kendall Smith, and Dan Hamburg. Chair McCowen presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer/Clerk of the Board; Ms. Jeanine B. Nadel, County Counsel; and Mr. Tim Mitchell, Deputy Clerk of the Board.

Pledge of Allegiance: Mr. Howard Dashiell, Transportation Director.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. John H. Bower, North Gualala Water Co.

Board Action: No action taken.

AGENDA ITEM NO. 4 – CONSENT CALENDAR

Presenter/s: Chair McCowen.

Board Directive: Consent Calendar items 4(o and s) removed for separate consideration.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Smith, and carried unanimously; IT IS ORDERED that Consent Calendar items 4(a-n and p-r) are approved/denied as follows:

- (a) Claim of Melinda Leung -- Denied;
- (b) Minutes of the February 27, 2012, Regular Board Meeting -- Approved;
- (c) Minutes of the February 28, 2012, Regular Board Meeting -- Approved;
- (d) Approval of Recommended Appointments/Reappointments -- Approved;

Board or Commission	Appointee	Category
Law Library Board of Trustees	Charlotte Scott	Trustee
Little River Cemetery District	Charles F. Moffett	Member
North Coast Railroad Authority (NCRA)	Hal Wagenet	Member
Workforce Investment Board (WIB)	John Kuhry	Member #1 (Business B-1)
Workforce Investment Board (WIB)	John Kuhry	Member #19 (Mandatory M-2) Economic Development
Workforce Investment Board (WIB)	Norm Hall	Member #4 (Business B-4)

- (e) Approval of Appointment of Tom Pinizzotto as Local Director of Mental Health Services per W&I Code 5607 – Health and Human Services Agency -- Approved;
- (f) Approval of Consolidation of a Special District Election for the Brooktrails Township Community Service District with the Direct Primary Election to be held June 5, 2012 – Assessor/Clerk-Recorder -- Approved;
- (g) Approval of Letter of Support for the Inclusion of the Sonoma Marin Area Rail Transit (SMART) Cloverdale Extension in the Metropolitan Transportation Commission's (MTC) Long Range Transportation Plan – Supervisor McCowen -- Approved and the Chair is authorized to sign same;
- (h) BOS No. 07-091-A2 Approval of Amended Joint Powers Agreement Between the Counties of Lake and Mendocino Area Agency on Aging for Planning and Service Area 26 to Transfer the Administration of the AAA from Mendocino County, Health & Human Services Agency (HHSA), Adult Services to Lake County Adult Services – Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (i) BOS No. 11-119-A1 Approval of Amendment to BOS Agreement No. 11-119 with FamiliesFirst, Inc. Increasing Agreement Amount by \$50,000 for a New Total Agreement Amount of \$150,000 to Provide Mental Health Services for Children of Mendocino County in Fiscal Year 2011/2012 – Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (j) Approval of the 2010-2011 Annual Comprehensive Economic Development Strategy (CEDS) Report as Required by the Economic Development Administration (EDA) – Health and Human Services Agency -- Approved;
- (k) Approval of the Submission of the California Reads Grant Augmentation Funds Application in the Amount up to \$2,500 for the Period of 12/1/11-11/30/2012 – Library -- Approved;
- (l) Approval of Purchase of One Controller and Misc. Parts for a Fourth Tsunami Warning Siren System on the Mendocino County Coast, Totaling \$10,821.00; and Approval of Adding the Fourth Tsunami Warning Siren System to the County Approved List of Fixed Assets – Sheriff's Office/Office of Emergency Services -- Approved;
- (m) Approval of Sheriff's Request to Utilize Federal Asset Forfeiture Funds to Purchase Four Patrol Sedans, One Patrol SUV, and Five Mobile Radios; Addition of These Items to the County's Approved List of Fixed Assets; and Approval of the Related Request for Appropriation, Cancellation or Revision of Funds – Sheriff's Office -- Approved;
- (n) Approval of Sheriff's Request to Utilize State Asset Forfeiture Funds to Purchase a Voice-Over-Internet-Protocol (VOIP) Telephone System; Addition of the Elements of the Purchase that Meet the Requirements for Fixed Assets to the County's Approved List of Fixed Assets; and Approval of the Related Request for Appropriation, Cancellation or Revision of Funds – Sheriff's Office -- Approved;
- (p) Adoption of Resolution Authorizing Department of Transportation Advertisement for Bids and Award of a Contract to Perform Feliz Creek Dam Removal (Hopland Area) – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 12-044

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION ADVERTISEMENT FOR BIDS AND AWARD OF A CONTRACT TO PERFORM FELIZ CREEK DAM REMOVAL (HOPLAND AREA)

- (q) Adoption of Resolution Supporting Funding Application for Preparation of a Feasibility Study for Orchard Avenue Extension and Designating the Director of Transportation as County's Authorized Agent for the Applicable Caltrans Transportation Planning Grant (Ukiah Area) – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 12-045

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SUPPORTING FUNDING APPLICATION FOR PREPARATION OF A FEASIBILITY STUDY FOR ORCHARD AVENUE EXTENSION AND DESIGNATING THE DIRECTOR OF TRANSPORTATION AS COUNTY'S AUTHORIZED AGENT FOR THE APPLICABLE CALTRANS TRANSPORTATION PLANNING GRANT (UKIAH AREA)

- (r) Approval of Payment of Two Invoices from the City of Fort Bragg for Leachate Disposal Fees for the Caspar Landfill, for the Period January 1, 2011, through December 31, 2011 – Treasurer-Tax Collector -- Approved.

AGENDA ITEM NO. 4 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

- (o) Adoption of Resolution Authorizing Department of Transportation Advertisement for Bids and Award of a Contract to Construct 2010 Storm Damage Repairs on Sunset Drive, CR 525, M.P. 0.30 (Point Arena Area) – Transportation

Presenter/s: Supervisor Pinches.

Public Comment: Mr. John H. Bower, North Gualala Water Co. and Mr. Howard Dashiell, Transportation Director.

Board Action: Foregoing introduced by Supervisor Pinches, seconded by Supervisor Hamburg, and carried unanimously.

RESOLUTION NO. 12-046

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION ADVERTISEMENT FOR BIDS AND AWARD OF A CONTRACT TO CONSTRUCT 2010 STORM DAMAGE REPAIRS ON SUNSET DRIVE, CR 525, M.P. 0.30 (POINT ARENA AREA)

AGENDA ITEM NO. 4 – CONSENT CALENDAR – CONTINUED

Presenter/s: Chair McCowen; Supervisor Hamburg; and Supervisor Pinches.

Public Comment: Sheriff Tom Allman.

T1-930

AGENDA ITEM NO. 5C – PRESENTATION, DISCUSSION, AND APPROVAL OF THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT; ADOPTION OF RESOLUTION DECLARING THE INTENTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO LEVY AND COLLECT AN ASSESSMENT FROM LODGING BUSINESSES IN THE BID (WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF POINT ARENA, THE CITY OF UKIAH, AND THE CITY OF WILLITS); FIXING THE DATE, TIME, AND PLACE OF A PUBLIC HEARING TO BE HELD IN FRONT OF THE BOARD TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2012-2013– SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: Mr. Steve Dunncliff, Deputy Chief Executive Officer; Mr. Jim Hurst, Chair, BID Advisory Board; and Mr. Scott Schneider, President and CEO, Visit Mendocino County, Inc.

Public Comment: Ms. Marianne McGee, Resource Development Manager for Mendocino Coast Clinics.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Smith, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves the Mendocino County Lodging Business Improvement District (BID) Annual Report; adopts a Resolution declaring the intention of the Mendocino County Board of Supervisors to levy and collect an assessment from lodging businesses in the BID (within the boundaries of the unincorporated portion of the County of Mendocino and the incorporated area of the City of Fort Bragg, the City of Point Arena, the City of Ukiah, and the City of Willits); fixing the date, time, and place of a public hearing to be held in front of the Board to levy the proposed assessment for Fiscal Year 2012-2013.

RESOLUTION NO. 12-047

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FROM BUSINESSES IN THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF POINT ARENA, THE CITY OF UKIAH, AND THE CITY OF WILLITS FROM SPECIFIED HOTEL BUSINESSES AND FIXING THE DATE, TIME AND PLACE OF A PUBLIC HEARING TO BE HELD BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2012-2013

T1-2560

AGENDA ITEM NO. 5F – NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING RECEIPT OF SEALED AND/OR ORAL BIDS PERTAINING TO THE SALE OF REAL PROPERTY, GENERALLY DESCRIBED AS APNs: 048-230-10-00, 095-100-14-00, AND 167-320-18-00 – SPONSORING DEPARTMENT: GENERAL SERVICES AGENCY

Presenter/s: Ms. Kristin McMenomey, General Services Agency Director.

Public Comment: Mr. Dave Flum and Mr Ron Rosetti.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor Smith, and carried unanimously; IT IS ORDERED that the Board of Supervisors accepts the highest oral and/or written bid for the property described as (APN 048-230-10-00), located at 850 Harrison Ave., Hopland, CA 95449. Further, the Board directs staff to proceed with all necessary documents and processes and return to the Board with the final purchasing documentations at a later date.

T1-3020

AGENDA ITEM NO. 4 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

- (s) Adoption of Resolution Approving the Request to Sell Tax-Defaulted Property Subject to the Power of Sale – Treasurer-Tax Collector

Presenter/s: Chair McCowen.

Public Comment: Ms. Shari Schapmire, Treasurer-Tax Collector.

Board Action: Foregoing introduced by Supervisor Smith, seconded by Supervisor Brown, and carried (4/1, with Supervisor McCowen dissenting).

RESOLUTION NO. 12-048

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, APPROVING THE REQUEST TO SELL TAX-DEFAULTED PROPERTY SUBJECT TO THE POWER OF SALE

T1-3515

AGENDA ITEM NO. 5D – APPOINTMENT OF THREE ELECTED REPRESENTATIVES FROM THE CITIES OF POINT ARENA AND WILLITS TO THE INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: Ms. Tammi Weselsky, Senior Administrative Analyst.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints Councilmembers Orenstein and Stranske from the City of Willits, and Councilmember Sanders from the City of Point Arena, as elected members to the Mendocino County Indian Gaming Local Community Benefit Committee.

T2-90

AGENDA ITEM NO. 5A – CHIEF EXECUTIVE OFFICER'S REPORT

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer.

Board Action: No action taken.

RECESS: 10:48 – 10:55 A.M.

T2-582

AGENDA ITEM NO. 5B – DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: None.

Board Action: No action taken.

AGENDA ITEM NO. 8A – DISCUSSION AND POSSIBLE ACTION REGARDING CONGRESSMAN THOMPSON'S REQUEST FOR PROJECT FUNDING PRIORITIES FOR FEDERAL FISCAL YEAR 2013 – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: Ms. Kristi Furman, Deputy Chief Executive Officer

Board Action: Upon motion by Supervisor Smith, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints Supervisors Brown and Hamburg to work with the Executive Office to prepare Mendocino County's funding request, consisting of the following items and prioritized as listed:

- Promotion of Rural Broadband (Education, Legislation, and Funding)
- Noyo Harbor Dredging
- Increasing Federal Resources for the Coyote Valley Dam
- Support Biomass Utilization in Mendocino County
- Evaluate Food Policy Issues and Support Local Food Systems/Security

The request is to be prepared for execution by the Board Chair, and is to be transmitted to Congressman Thompson by March 15, 2012.

AGENDA ITEM NO. 5G – DIRECTOR'S REPORT – DEPARTMENT OF TRANSPORTATION

Presenter/s: Chair McCowen referenced the written report previously transmitted by Mr. Howard Dashiell, Transportation Director.

Board Action: No action taken.

T2-1630

AGENDA ITEM NO. 6B – DISCUSSION AND DIRECTION TO STAFF REGARDING WAIVER OF BUILDING FEES FOR PROJECTS THAT MEET DEFINED JOB CREATION CRITERIA – SPONSORS: SUPERVISORS BROWN AND MCCOWEN

Presenter/s: Chair McCowen and Supervisor Brown.

Public Comment: Mr. Roger Mobley, Planning and Building Services Interim Director and Mr. J.R. Rose.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors direct staff to research and return with recommendations for full or partial waiver of building fees for projects that meet defined job creation criteria, working with an ad hoc committee consisting of Supervisors Brown and McCowen.

LUNCH RECESS: 12:07 P.M.

RECONVENED IN OPEN SESSION: 1:32 P.M.

T3-97

AGENDA ITEM NO. 5E – ACTING CONCURRENTLY AS THE BOARD OF SUPERVISORS AND THE PUBLIC FACILITIES CORPORATION BOARD OF DIRECTORS: DISCUSSION AND POSSIBLE ACTION REGARDING THE REFUNDING OF THE 2000 AND 2001 CERTIFICATES OF PARTICIPATION (COP) DEBT, RECEIVING AN UPDATED STRATEGY TO MOVE FORWARD, FURTHER ESTABLISHING A MINIMUM SAVINGS THRESHOLD, FURTHER ADOPTION OF RELATED COUNTY RESOLUTIONS, AND FURTHER RELATED APPROVAL OF AMENDMENTS ADJUSTING THE TERMS OF BOS AGREEMENTS NUMBERED 11-066 AND 11-067 PERTAINING TO KNN PUBLIC FINANCE AND HAWKINS DELAFIELD & WOOD LLP TO ADJUST COMPENSATION FOR THE INCLUSION OF THE 2001 COPs – SPONSORING DEPARTMENTS: EXECUTIVE OFFICE, TREASURER-TAX COLLECTOR, AND AUDITOR-CONTROLLER

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Kyle Knopp, Deputy Chief Executive Officer; Mr. Bobby Cheung, KNN Public Finance; Mr. Rob Larkins, Morgan Keegan; Mr. Arto Becker, Hawkins Delafield & Wood LLP; and Ms. Shari Schapmire, Treasurer-Tax Collector.

Board Action: Upon motion by Supervisor Smith, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors/Public Facilities Corporation Board of Directors accept the updated strategy to move forward on refunding the County's 2000 and 2001 COP debt, establishing a minimum savings threshold of 4.5% (or present value savings no less than \$1,218,528), adopting Board Resolutions on this topic, and further approve amendments to Board Agreements 11-066 and 11-067.

RESOLUTION NO. 12-049

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO PROVIDING FOR THE EXECUTION AND DELIVERY OF A SITE LEASE, FACILITY LEASE AND TRUST AGREEMENT AND THE EXECUTION AND DELIVERY OF COUNTY OF MENDOCINO REFUNDING CERTIFICATES OF PARTICIPATION, 2012 SERIES AND CERTAIN ADDITIONAL DOCUMENTS RELATING THERETO

RESOLUTION NO. 12-050

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION APPROVING, AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF A SITE LEASE, FACILITY LEASE AND TRUST AGREEMENT AND THE EXECUTION AND DELIVERY OF COUNTY OF MENDOCINO REFUNDING CERTIFICATES OF PARTICIPATION, 2012 SERIES AND CERTAIN ADDITIONAL DOCUMENTS RELATING THERETO

T3-2025

AGENDA ITEM NO. 6A – SUPERVISORS' REPORTS

Presenter/s: Board members.

Board Action: No action taken.

~~**AGENDA ITEM NO. 9A – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR – AGENCY NEGOTIATORS: CARMEL J. ANGELO, PAT MEEK, AND RICK HAEG; EMPLOYEE ORGANIZATION(S): ALL CANCELED**~~

~~**AGENDA ITEM NO. 9B – PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c) – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION: JOINDER IN COUNTY OF COLUSA, ET AL. V. TOBY DOUGLAS, ET AL., SUPERIOR COURT OF SACRAMENTO COUNTY CASE NO. 2012-80001053 CANCELED**~~

AGENDA ITEM NO. 10 – COMMUNICATIONS RECEIVED AND FILED

None received.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 2:42 P.M.

Attest: TIM MITCHELL
Deputy Clerk of the Board

JOHN MCCOWEN, Chair

Draft

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

- Effective March 1, 2009, Board of Supervisors minutes will be produced in “action only” format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors’ website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available through Mendocino Access Television: www.mendocinoaccess.org Requires Windows Media Player (Version 9+). If technical assistance is needed, please contact Mendocino Access Television at (707) 357-0624
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.co.mendocino.ca.us/bos

Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors